

The 8th Annual National Conference on Economic, Social and Cultural Rights

Reclaiming Public Services for Inclusive and Sustainable Socio-economic Recovery after Covid 19

Introduction

COVID-19 has had a devastating impact on people's enjoyment of social and economic rights such as health and education and had serious social and economic impacts globally. In the case of Uganda, while the virus itself has not been widespread compared to other countries, the response measures taken to contain it and limit its spread have had significant socio-economic impacts. Alongside COVID19, in 2020 alone Uganda experienced emergencies such as floods, locust invasion, rising water levels on Lake Victoria and droughts which have had serious socio-economic impacts on the population and unmasked stark disparities in individuals and groups' capacity to cope with the sudden downturns in incomes, livelihoods and social wellbeing. As a result, there has been a slump in economic growth as people lost or had their income significantly reduced across all sectors.

Consequently, the Ministry of Finance, Planning and Economic Development has noted that in addition to 8 million people who live below the national poverty line, between 800,000 and 2.6 million people would fall into poverty due to loss of livelihoods as a result of the pandemic. The Bank of Uganda monetary policy report projected economic growth of between 3% - 3.5% but noted that the economic outlook going forward remains uncertain due to COVID-19.¹ Attempts at stimulating recovery have seen the government engage in unprecedented borrowing that has increased public debt and introduced new or increased taxes to secure income for running government programmes, yet there are concerns that the secured recovery funds are not reaching the individuals and sectors most in need.

A key lesson learnt from the pandemic is the role of resilient and quality public services to cushion people from the socio-economic fall out resulting from the pandemic. This is in line with the lessons learnt identified under the NDP III based on implementation of NDPs over the years. The NDP III calls for increasing investment in the 'real economy' which included health, education, ICT and service in order to optimize use of the increased infrastructure capacity, and notes that there is need to revisit the development approach, in particular the role of government in the development process because the market alone is unlikely to optimally drive Uganda's development process. Accordingly, some of the Development strategies under the NDP III include improving access and quality of social services and increasing access to social protection, and has an elaborate programme on human capital development.² In this case, public services are the social services that are essential to realising socio-economic rights, and are provided by government to people living within its jurisdiction. These include services such as education, water, healthcare and electricity.

The 8th annual national conference on Economic, Social and Cultural rights will discuss strengthening of public services, as one of the strategies for achieving inclusive and sustainable socio-economic recovery. The pandemic highlighted the violations and gaps in the current provision of public services and revealed the importance of robust public policies

¹ Bank of Uganda Monetary Policy Report for February, 2021.

² National Development Plan (NDP III) 2020/21 – 2024/25.

and fully functioning and well-resourced public services. Underinvestment in public services and the rapid unregulated expansion of private actors' risks undermining human rights obligations and aggravating inequality and exclusion with a growing discriminatory gap. The poor—who are unable to pay for these services and for whom the public system is, frequently the first, and in many instances the only, point of assistance—are often left behind. Uganda is gradually abdicating her responsibility to provide essential public services like health and education. The implementation of the structural adjustment programs left a big blow to public social services delivery especially water, education, health and electricity.

To date, Uganda struggles with weak public health systems and inadequately equipped schools, lack of access to clean and safe water and expensive and often inaccessible electricity. The State is obligated to invest more in social protection and public services such as health and education, however, these public critical services continue to be under funded. For instance, the Human capital development program (comprising of education, health, social protection and water sub programs) budget for FY 2021/22 is projected to reduce from UGX7.34 trillion in FY 2020/21 to UGX7.04 trillion. The health sector budget for FY 2021/22 is projected to decrease by 9.3% to UGX2.52 trillion while the education sector budget will reduce by 1.2% to UGX3.65 trillion. Overall, the FY 2021/22 budget reflects underfunding of critical public services that are essential for human dignity. Economic recovery programmes like the loan scheme through the Uganda Development Bank favor formal and well capitalized businesses, leaving out the majority in the informal sector or casual laborers.

Amidst chronic underfinancing and weakening of public services, there has been gradual privatization of public services. The private sector is increasingly relied upon to deliver social services like health care and education, organized in procedures ranging from purely private to public private partnerships (PPPs). There has been a massive and unprecedented increase of private providers of these services – in Uganda. In health, 55% of the health facilities in Uganda are private or community owned.³ In the education sector, at primary level, about 39% of the schools are private owned, with about 21% enrolment rate of the learners.⁴ The private schools share of primary education enrolment has been growing at an average of about 1% per annum over the last ten years.⁵ At the secondary level, over 66% of the schools are private and these have been enrolling on average 51% of students.⁶ The electricity sector on the other hand was also restructured and distribution privatized to a private company through a concession. However, the country's electricity tariff remains

³ Ministry of Health, *National Health Facility Master List* (2018) <http://library.health.go.ug/publications/health-facility-inventory/national-health-facility-master-facility-list-2018> ; Initiative for Social and Economic Rights (ISER) *Achieving Equity in Health, Are Public Private Partnerships the Solution?* (April 2019), <https://www.iser-uganda.org/publications/reports/397-achieving-equity-in-health-are-public-private-partnerships-the-solution>

⁴Ministry of Education and Sports, *Concept note on Formulation of a National Policy on Private Provision of Education in Uganda*, 2019

⁵Ibid

⁶Ibid

the highest in the region and globally.⁷ This is largely due to the unfair clauses in the concessional agreement to the government of Uganda.⁸ Although the supply of water remained under the government agencies, access to clean and safe drinking water remain a challenge especially for the rural areas. Currently, rural access to basic water services stands at 41%.⁹

As countries are starting to face the economic effects of the pandemic, poverty and inequality are set to increase worldwide and reverse development gains. A more just recovery therefore requires stronger investment in public social services. In order to realise economic, social and cultural rights in Uganda and to ensure Uganda is more resilient to future crises, investment in fully functioning and well-resourced public social services is key. This context provides a unique opportunity to put the provision of quality public services for all back at the centre stage of public debate and policy design and implementation. This is a crucial moment to strengthen and revamp public services as the foundation for addressing the inequalities and ensuring an inclusive and sustainable socio-economic recovery.

The 8th Annual National Conference on Economic, Social and Cultural Rights

The 8th Annual National Conference on Economic, Social and Cultural Rights will be telecast live on NTV Uganda on Wednesday 15th and Thursday 16th September 2021, 2pm – 5pm under the theme *Reclaiming Public Services for Inclusive and Sustainable Socio-economic Recovery after Covid 19*.

The aim of the Conference is to take stock of public services policies, laws, practices and mechanisms and how these are impacting on enjoyment of ESCRs for the poor and vulnerable communities before, during and post COVID-19 pandemic. The Conference will discuss the different mechanisms of building a resilient public services system. The *specific objectives* of the Conference are:

- i. To deliberate on the effective strategies for attaining inclusive and sustainable socio-economic recovery post COVID-19;
- ii. To highlight the importance of quality and accessible public services as a key strategy for socio-economic recovery;
- iii. To assess the efficacy of the current National Development Plan III in guiding socio-economic recovery;
- iv. To examine the role of the international community – including International Finance Institutions in the recovery process.

The suggested specific areas for discussion during the panel sessions include the following:

- i. Maintaining health as a public good: Lessons from COVID 19
- ii. Reflecting on public education as a driver for inclusive human capital development.
- iii. The role of citizen participation in ensuring quality of public services
- iv. Enhancing the role of local governments in public services service delivery

⁷ Parliament of Uganda (2013) Report of the Adhoc Committee on the Energy Sector, P.9

⁸ Ibid

⁹ Water for People at <https://www.waterforpeople.org/uganda/> accessed on May 18, 2021

- v. The relationship between taxation and public service delivery
- vi. Public services as an imperative for reducing gender inequality
- vii. Electricity and the internet as essential services post covid-19: Is Uganda an outlier?
- viii. Financing for public services: A critical reflection on public debt and domestic resource mobilisation
- ix. Rights of vulnerable persons: The need for an inclusive and holistic approach during crises such as Covid 19

Expected outcomes:

It is hoped that the Conference will make short and long term recommendations on building back better in an inclusive and equitable manner. Specifically, the conference will contribute to ensuring that public services are strengthened, more especially now during recovery from the pandemic. This will be achieved through the discussion of the lessons learnt from COVID-19 and how we can build resilient public service systems. The Conference is expected to act as a platform for networking by different stakeholders working on different public services and ESCRs. The conference will be telecast live on NTV Uganda from 2pm – 5pm on both days and will also have online platforms (twitter & facebook) where the public will be able to participate and give their views during the discussions.

About the Organizers

Initiative for Social & Economic Rights (ISER)

ISER is an independent, not-for-profit human rights organization responsible for promoting the effective understanding, monitoring, implementation and realization of Economic and Social Rights in Uganda. This they do by promoting a Human Rights Based approach to the design and implementation of legal and policy frameworks relating to Economic and Social Rights; building awareness about Economic and Social Rights and exploring strategies for securing their realization; broadening individuals' and communities' access to Economic and Social Rights in Uganda; strengthening community participation in the design and implementation of social and economic policies and programs that affect them; ensuring government accountability for Economic and Social Rights through community empowerment; and mobilizing and building capacity of Non-Governmental organizations and the media to advocate more effectively for Economic and Social Rights including using Regional and International mechanisms. ISER also hosts the Uganda Consortium on Corporate Accountability (UCCA)

The Public Interest Law Clinic (PILAC)

The Public Interest Law Clinic (PILAC) is the premier University Based Law Clinic in Uganda. Established in 2012, PILAC seeks to promote Social Justice through hands-on experiential learning as well as exposing students to 'live' cases of individuals who have been confronted by the law in its varied manifestations. The Clinic has a Clinical Legal Education (CLE) programme, which is intended to equip law students with public lawyering skills. PILAC has also extended the benefits of hands-on practical learning through the establishment of a Community Law Programme and mobile clinic (CLAPMOC), which is used to extend legal literacy sessions and other legal services to the communities around the university. PILAC also hosts the Network of Public Interest Lawyers which is an umbrella

organization that brings together individual lawyers, CSOs/NGOs and law firms committed to public interest litigation and advocacy.

Uganda Consortium on Corporate Accountability (UCCA)

The UCCA was established in August 2015 as a civil society consortium on corporate accountability aimed at enhancing accountability by corporations, States, international finance institutions and development partners for violations or abuses of economic, social and cultural rights (ESCRs). It has a founding membership of four organizations specializing in different areas of rights protection, including the Initiative for Social and Economic Rights (ISER), the Public Interest Law Clinic at Makerere University Law School (PILAC), Legal Brains Trust (LBT) and the Center for Health Human Rights and Development (CEHURD). It is currently in the process of widening the consortium membership to include more organizations and community-based organization to strengthen the platform working around business and human rights issues. The UCCA is an active member of regional and international networks including the African Coalition on Corporate Accountability (ACCA) and the International Network on Economic Social and Cultural Rights (ESCR-Net) among others.

Uganda Human Rights Commission (UHRC)

Uganda Human Rights Commission is a national human rights institution that was established on 6th November 1996 to promote and promote human rights in Uganda. Under Article 52 of the Constitution of the Republic of Uganda, 1995, its functions include monitoring the enjoyment and realization of all human rights (ESCR rights inclusive) in Uganda and Government's compliance with international treaties and conventions it has ratified. It also receives and initiates complaints of ESCR related abuses/violations and conducts ESCR advocacy and sensitization activities with stakeholders at national level and at the grassroots. UHRC produces Annual and Special Reports on its findings and recommendations and they are submitted to Parliament of Uganda to follow up implementation from its stakeholders. In May 2016, Uganda Human Rights Commission (UHRC) and the Danish Institute for Human Rights (DIHR) launched a preliminary web-based country guide that aims to be a resource for businesses, Civil Society Organizations, Governments, multilateral institutions and all other relevant local and international actors, to enable these actors ensure that business fosters sustainable development in line with human rights standards. UHRC is accredited with "A status" by the Global Alliance of National Human Rights Institutions (GANHRI), Geneva Switzerland, giving it enhanced access to the United Nations human rights system. It is also a member of the Network of African NHRIs (NANHRI).